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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/613,570	07/03/2003	Gerry Quinn	P/3771-6	5459
2352	7590	12/28/2004	EXAMINER	
OSTROLENK FABER GERB & SOFFEN			SALDANO, LISA M	
1180 AVENUE OF THE AMERICAS			ART UNIT	
NEW YORK, NY 100368403			PAPER NUMBER	

3673

DATE MAILED: 12/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/613,570	QUINN, GERRY	
	Examiner	Art Unit	
	Lisa M. Saldano	3673	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) ☒ Responsive to communication(s) filed on 03 July 2003.

2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) ☒ Claim(s) 1-12 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) ☒ Claim(s) 1-10 is/are allowed.

6) ☒ Claim(s) 11 is/are rejected.

7) ☒ Claim(s) 12 is/are objected to.

8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on 03 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All    b) ☐ Some \*    c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
Paper No(s)/Mail Date. _____	6) <input type="checkbox"/> Other: _____

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the connector on the pipelines as recited in claim 1, lines 3 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled “Replacement Sheet” in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### *Claim Objections*

1. Claims 1, 6, 7, 10 and 11 are objected to because of the following informalities:

Regarding claim 1, the applicant recites a length L and a distance D'. The examiner recommends that the applicant place these variables in parenthesis, for example (L) and (D').

Regarding claim 6, line 2, the applicant recites limitations directed to "second and third transponders." It appears that the applicant intended to recite *second and third seabed transponders*.

Regarding claim 7, line 1, the applicant recites limitations directed to "a third pipe transponder." However, prior claim language from which this limitation depends fails to disclose a second pipe transponder. It appears that claiming a third pipe transponder when a second pipe transponder has not yet been claimed is improper.

Regarding claim 10, line 2, the applicant recites limitations directed to "second and third transponders." It appears that the applicant intended to recite *second and third seabed transponders*.

Regarding claim 11, line 7, the applicant recites limitations directed to "interrogating said seabed and pipe transponders." This claim language is inconsistent and does not appear to claim the applicant's invention. It does not appear that the seabed is indeed interrogated. Furthermore, the prior claim language only recites "at least one pipe transponder." In the case that only one transponder is used, the following claim language directed to "pipe transponders" is inconsistent. Also, regarding claim 11, lines 9-10, the applicant recites "corresponding pairs of said seabed

and pipe transponders.” The prior claim language does not necessarily provide antecedent basis for “pairs of said seabed and pipe transponders.” Again, the claim language is inconsistent.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 11 is rejected under 35 U.S.C. 102(b) as being anticipated by Harmel (4,486,861).

Harmel discloses transponder telemetry wherein a cable ship or vessel 10 deploys a length of cable 12, whereby the cable is capable of functioning as a pipeline. Harmel discloses the use of a plurality of transponders 16 installed on a seabed and at least one transponder 20 installed on the cable itself (see column 2, lines 45-65 and Fig.1). The transponders are interrogated to provide information regarding respective distances leading to the establishment of remaining cable necessary to reach a desired position 14 on the seabed. As broadly claimed by the applicant of the present invention in claim 11, Harmel discloses seabed transponders that are arranged sufficiently near the cable lay route centerline so that the distances may be calculated.

***Allowable Subject Matter***

4. Claims 1-10 would be allowed over the prior art of record.
5. Claim 12 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
6. The following is a statement of reasons for the indication of allowable subject matter:  
Regarding independent claim 1 and dependent claim 12, the closest prior art of record, Harmel (4,486,861), discloses transponder telemetry wherein a cable ship or vessel 10 deploys a length of cable 12, whereby the cable is capable of functioning as a pipeline. Harmel discloses the use of a plurality of transponders 16 installed on a seabed and at least one transponder 20 installed on the cable itself. However, Harmel fails to explicitly disclose or provide motivation to provide seabed transponders on the pipelay or cablelay route centerline in combination with the other limitations recited in claims 1 and 12, which depends from claim 11.

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Denman (4,164,379), Denman (4,120,167), Young et al (4,260,291), Jones et al (3,725,919) and Matthews (US2004/0013471) disclose features that are pertinent to the present application.

Art Unit: 3673

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa M. Saldano whose telephone number is 703-605-1167. The examiner can normally be reached on Monday-Friday, 8:30am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather C. Shackelford can be reached on 703-308-2978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

lms



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